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August 22, 2016

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Juvenile Shackling Report
P.O. Box 037
Trenton, NJ 08625-0037

Dear Judge Grant,

I am submitting these comments in support of the Report of the Supreme Court Working Group on the Indiscriminate Shackling of Juveniles in Court.

This report lifts up the issues that impact children and youth who are automatically shackled when appearing in court without any review or evaluation of whether or not shackles are appropriate. I agree with the Working Group, that the very presence of shackles in a courtroom creates a bias toward guilt. In addition, the Report clearly documents the research showing that shackling causes trauma to children and youth, many of whom have been traumatized already.

I agree again with the Working Group that shackles should not be used in the courtroom unless the Judge has deemed it necessary. This determination should be made prior to the child/youth entering the courtroom, and should include the opinions of the defense attorney and prosecutor.

I would add that restraints should be updated to eliminate the standard handcuffs to waist and feet and be the least restrictive deemed appropriate to ensure safety. While the safety of all officers and youth is always the primary concern, the handcuffs to waist and feet further traumatizes children and youth who in many counties must shuffle from vehicle to courtroom through public areas as if they are on display. This leaves parents, witnesses, victims and those having other business before the court with a presumption of guilt, and unnecessarily traumatizes and humiliates the youth in custody.

I commend the Work Group on tackling this difficult issue in a manner that puts the well-being of children and youth first while maintaining a focus on the safety of all concerned.

Sincerely,

Barbara C. Miller